

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CORNELL SMITH,

Plaintiff,

v.

MS. ERICKSON, CAPT. GREFF, DONALD
STRAHOTA, WILLIAMS POLLARD, RICH
RAEMISCHER, LT. SABISH, and TONIA
MOON,

Defendants.

ORDER

13-cv-600-wmc

The court previously dismissed this complaint, but granted plaintiff leave to file an amended complaint that specified the length of time he was denied out-of-cell exercise. (Dkt. #6.) Plaintiff requested a 30-day extension to file a proposed amended complaint (dkt. #9), which the court granted (dkt. #10). On the day the proposed amended complaint was due, plaintiff filed a second motion for extension of time, seeking a second 30-day extension, as well as a preliminary injunction seeking an order requiring the law librarian to provide him with copies of his proposed amended complaint. (Dkt. ##11, 12.) While the court is perplexed as to why plaintiff needs additional time to set forth necessary details concerning his Eighth Amendment claim, the court will nonetheless grant him an additional 21 days to file his proposed amended complaint. Plaintiff has also filed a motion to amend his complaint. (Dkt. #13.) The motion is not necessary -- the court already mentioned in its December 10, 2014, order that plaintiff was free to file an amended complaint. What *is* necessary, indeed required at this time, is that actual

amended pleading. Should plaintiff again fail to meet this thrice set deadline, his case will be dismissed unless substantial good cause is shown.

As for the motion for preliminary injunction, additional copies of the proposed amended complaint are not required. Moreover, Smith's allegations in the present case do not concern denial of law library access and the law librarian is not a defendant in this action. Accordingly, the court will deny Smith's motion for preliminary injunction.

Accordingly,

IT IS ORDERED that:

- 1) Plaintiff Cornell Smith's second motion for extension of time to file a proposed amended complaint (dkt. #11) is GRANTED. The deadline for filing the proposed amended complaint is now February 23, 2015 with no further extensions granted except upon substantial good cause shown.
- 2) Plaintiff's motion to amend complaint (dkt. #13) is DENIED as unnecessary.
- 3) Plaintiff's motion for injunctive relief (dkt. #12) is DENIED.

Entered this 2nd day of February, 2015.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge